

**FLATHEAD COUNTY PLANNING BOARD  
MINUTES OF THE MEETING  
AUGUST 8, 2007**

**CALL TO  
ORDER**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Michael Mower, Gordon Cross, Gene Dziza, Kathy Robertson, and Kim Fleming. Frank DeKort, Don Hines, Randy Toavs and Barry Conger had excused absences. Anne Thompson, Eric Giles and BJ Grieve represented the Flathead County Planning & Zoning Office.

There were approximately 7 people in the audience.

**PUBLIC REVIEW**

Gene Dziza reviewed the public hearing process.

**APPROVAL OF  
MINUTES**

Fleming made a motion seconded by Robertson to approve the June 20, June 27, and July 11, 2007 meeting minutes.

The motion was carried by quorum.

**PUBLIC  
COMMENT  
(not related to  
agenda items)**

None.

**PRE-PLAT/  
LAZY I  
FPP 07-06**

A request by Phillip R Thorley J. and Karen R Thorley, for Preliminary Plat approval of Lazy I Subdivision, a two lot single-family residential subdivision on 10.02 acres. Lots in the subdivision are proposed to have individual water and septic systems. The property is located off Farm to Market Road within the Bootjack Subdivision.

**STAFF REPORT**

Annie Thompson reviewed Staff Report FPP 07-06 for the Board.

**BOARD  
QUESTIONS**

Fleming asked about having a 15-ft bicycle/pedestrian easement.

Thompson said that condition could be added.

Robertson asked if the road has been there since 1989.

Thompson said the road was primarily for the purpose of future use.

Mower asked Thompson to review the access again.

Thompson reviewed the access.

Cross asked how many of the surrounding buildings were occupied.

Thompson didn't know, but said the applicant could answer.

**APPLICANT**

Phillip Thorley has owned the property since 1985. He showed on the map where the accesses were and what the surrounding buildings were. He has made some nice roads into the property. He is concerned about emergency access.

**AGENCIES**

None.

**PUBLIC  
COMMENT**

None.

**APPLICANT  
REBUTTAL**

None.

**STAFF  
REBUTTAL**

None.

**BOARD  
DISCUSSION**

None.

**MOTION TO  
ADOPT F.O.F.**

Cross made a motion seconded by Robertson to adopt Staff Report FPP 07-06 as findings-of-fact.

**MOTION TO  
AMEND F.O.F. 1**

Robertson made a motion seconded by Conger to change finding-of-fact #1 by removing the second and third paragraphs and renumbering those paragraphs as Findings of Fact 2 and 3.

The motion passed 5-1 with Fleming dissenting.

**MOTION TO  
AMEND F.O.F. 2**

Robertson made a motion seconded by Conger to add to the beginning of finding-of-fact #2 the following statement: *The subject property has an existing 10 foot wide loop driveway that provides two accesses onto Farm to Market Road.*

The motion was carried by quorum.

**MOTION TO  
APPROVE**

Robertson made a motion seconded by Fleming to recommend approval of FPP 07-06 as amended to the County Commissioners.

**BOARD  
DISCUSSION**

Fleming said during the Growth Policy meetings there was discussion of putting driveways onto arterial roads. She discussed different options for the driveway and access. Robertson understands why there's a negative reaction to having

a shared driveway with a neighbor, but she thinks the other option is worse.

Cross asked if it would be a shared access between the two lots and the other access would be abandoned.

Thompson said yes.

The Board and Staff discussed the different options for the access.

**MOTION TO  
ADD  
CONDITION 8g**

Cross made a motion seconded by Robertson to add condition 8g to state: *There shall be no further subdividing.*

The motion was carried by quorum.

**MOTION TO  
ADD  
CONDITION 13**

Cross made a motion seconded by Robertson to add condition 13 to state: *The applicant shall realign the boundary line between Lots 1 and 2, Lazy I Subdivision, so that both lots use the existing access on Lot 1 as a shared approach. The lots shall comply with the Flathead County Subdivision Regulations, specifically Section 3.6(B): No single lot shall be divided by an access easement.*

The motion was carried by quorum.

**MOTION TO  
ADD  
CONDITION 16**

Fleming made a motion seconded by Robertson to add condition 16 to state: *The applicant shall dedicate an additional 20 feet to the road ROW easement and 15 feet for a bike path easement where the subject property abuts Farm to Market Road. These easements shall be shown on the face of the final plat*

The motion was carried by quorum.

**ROLL CALL TO  
APPROVE**

On a roll call vote the motion passed unanimously.

**BOARD  
DISCUSSION**

None.

**ZONE CHANGE/  
C&G RENTAL  
PROPERTIES  
FZC 07-03  
STAFF REPORT**

A Zone Change request in the Bigfork Zoning District, by C&G Properties, from R-4 (Two-Family Limited Residential), to B-2 (General Business). The property is located at 130 Village Lane.

Eric Giles reviewed Staff Report FZC 07-03 for the Board.

**BOARD  
QUESTIONS**

Cross asked if the public comment received was from people who live on Village Lane.

Giles said yes.

Robertson asked if Giles had a copy of the letter sent by residents on Village Lane.

Giles said no.

Robertson read the letter.

**APPLICANT**

Tom Hoover, attorney for applicant, said there are 12 items that need to be considered for a zoning request to be granted. He went over the findings-of-fact and said the application is compliant with the Master Plan. He said a plan is not required for a zone change, but the plan is to come closer to meeting the requirements. The lots are so small nothing can be built on them as they are. The neighborhood is changing and the zone request fits in with the character of the neighborhood. There will be no adverse impact on water, schools, or parks. He said the applicant could move forward with the R-4 zoning but someday they want to do a boundary line adjustment and that's why they're requesting R-2 zoning.

**BOARD  
QUESTIONS**

Conger asked if the purpose was to put an accessory building on the lot.

Hoover said there are no immediate plans, but someday there will probably be a parking lot put in.

**AGENCIES**

None.

**PUBLIC  
COMMENT**

Galen Matnery, 175 Village Lane, represented the majority of property owners on Village Lane. He said when the first overlay done in 1984 was created, it was decided that Village Lane would be zoned commercial. He said they got the zoning changed to R-4 and the Commissioners promised the residents no more property would be zoned commercial in the area. The applicant conveyed to him there will be structures on the lot. Flathead Regional Development Company gave him a report on what would be the best use for the lots in the area. He urged the Board to deny the application for the zone change. He handed out documents to the Board.

John Shanahan, 160 Village Lane, said the covenants were done back in the 1960's and he expects the Commissioners to keep their word.

**APPLICANT  
REBUTTAL  
STAFF  
REBUTTAL**

None.

None.

**MOTION TO  
ADOPT F.O.F.**

Conger made a motion seconded by Robertson to adopt Staff Report FPP 06-60 as findings-of-fact.

**MOTION TO  
AMEND F.O.F 1**

Fleming made a motion seconded by Conger to amend finding-of-fact #1 to state: *The Bigfork Master Plan has a commercial designation for all of the property along Village Lane where the site is located and property east of the site across MT Hwy 35 and property to the north. The development pattern that has occurred since the adoption of the Bigfork Land Use Map is high density residential to the west of the site which has created a residential neighborhood. Policy #1 within the commercial section of the Bigfork Land Use Plan states, "Provide for limited neighborhood commercial development where appropriate to the neighborhood character."*

The motion was carried by quorum.

**MOTION TO  
CONTINUE  
APPLICATION**

Cross made a motion to continue the application until more information is reviewed.

The motion was withdrawn.

**MOTION TO  
AMEND F.O.F 5**

Fleming made a motion seconded by Robertson to amend finding-of-fact #5 to state: *The proposed zoning would allow existing and potential business operations to expand and renovate out-of-date facilities and improve grounds this would be detrimental to the residential neighborhood.*

The motion passed 5-1 with Dziza dissenting.

**MOTION TO  
AMEND F.O.F 2**

Cross made a motion seconded by Robertson to amend finding-of-fact #2 to state: *The B-2 zone requires off-street parking facilities for all commercial uses to eliminate congestion in the streets. Daily trip standards for commercial uses could significantly increased traffic on Village Lane.*

The motion passed 5-1 with Dziza dissenting.

**BOARD  
DISCUSSION**

Grieve reviewed the documents the public handed out and said there could possibly be an error in the Master Plan but he would have to research it further to find out.

**MOTION TO  
AMEND F.O.F 1**

Cross made a motion seconded by Fleming to amend finding-of-fact #1 to state: *The Bigfork Master Plan has a commercial designation for all of the property along Village Lane where the site is located and property east of the site across MT Hwy 35 and property to the north. The development pattern that has*

*occurred since the adoption of the Bigfork Land Use Map is high density residential to the west of the site which has created a residential neighborhood. Policy #1 within the commercial section of the Bigfork Land Use Plan states, "Provide for limited neighborhood commercial development where appropriate to the neighborhood character." It appears that the master plan may have been amended in 1994 to reflect the existing residential neighborhood."*

The motion was carried by quorum.

**MOTION TO  
DENY**

Fleming made a motion seconded by Robertson to recommend denial of FZC 07-03 to the County Commissioners.

**ROLL CALL TO  
DENY**

On a roll call vote the motion passed 5-1 with Dziza dissenting.

**OLD BUSINESS**

Cross asked about the Eagle's Crest meeting. He was not at the original meeting and asked what's going on.

Giles said the entire project was sent back to the Board for another public hearing. New information was received and it should have been reviewed under the Master Plan instead of the Growth Policy.

**NEW BUSINESS**

Fleming asked how a park check would read.

Grieve said it does not go to the Commissioners it goes to the Parks Department.

**ADJOURNMENT**

The meeting was adjourned at approximately 7:45 p.m. on a motion by Robertson seconded by Fleming. The next meeting will be held at 6:00 p.m. on August 22, 2007.

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Gene Dziza, Chairperson

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Kayla Kile, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 9/12/07